

REMARKS / DISCUSSION OF ISSUES

Claims 5, 7, 9-10, and 12-25 are pending in the application.

The Office action rejects claims 5, 7, 9-10, 12-21, and 24-25 under 35 U.S.C. 103(a) over Venkatraman et al. (USP 6,139,177, hereinafter Venkatraman) and Tan et al. (USPA 2001/004545, hereinafter Tan). The applicant respectfully traverses this rejection.

MPEP 2142 states:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

The Office action relies on the rejection of independent claim 14 to support the rejection of each of the other independent claims, 5 and 9.

The combination of Venkatraman and Tan fails to teach or suggest transmitting a request to a profile server, and fails to teach or suggest receiving a profile from the profile server based on the request, as claimed in claim 14.

The Office action asserts that the transmitting of a load request to Venkatraman's loader web page corresponds to the claimed transmitting of a request to a profile server to send profile data. The applicant respectfully disagrees with this assertion. Venkatraman's loader web page does not correspond to a profile server, as the term profile is used in the art and as it is used within the applicant's specification. A profile corresponds to a set of user preferences (applicant's page 1, lines 6-8), and the claimed profile server is configured to send such profile data in response to a request for a profile.

Venkatraman is silent with respect to profile data, and Venkatraman's loader web page is not configured to send such profile data in response to a request for a profile. With respect to the function of Venkatraman's loader page, Venkatraman teaches:

"The web core 14 accesses a device configuration 19 when constructing the device home page 18. The device configuration stores indications of the software objects that are installed in the device 10. The software objects that may be installed in the device 10 include a loader 24 and a notifier 26. The device configuration 19 may also store other configuration information associated with the device 10.

The loader 24 loads new information into the device 10 and installs new software elements into the device 10 in response to requests from web clients of the device 10. The loader 24 generates the loader web page 28 which is accessible via an external web browser. The loader web page 28 enables a user to specify a package file using an external web browser. The package file contains a list of new information elements or software elements for loading and installing into the device 10. Once a package file is specified using the loader web page 28, the loader 24 retrieves the specified package file via the communication link 22 and then downloads each of a elements specified in the package file. The loader 24 also updates the device configuration 19 to reflect the newly installed elements for subsequent accesses to the device home page 18." (Venkatraman, column 3, lines 31-53.)

As is evident in the above, Venkatraman's loader web page 28 receives an address of a package file from the user, and Venkatraman's loader 24 subsequently downloads (receives) software elements that are to be installed in the user's device 10. The applicant respectfully maintains that requesting a loader to receive software elements cannot reasonably be said to correspond to requesting a profile server to send profile data, as asserted in the Office action.

The Office action asserts that the receipt of software elements by Venkatraman's loader corresponds to the sending of profile data by a profile server. The applicant respectfully disagrees with this assertion. Even assuming in argument that Venkatraman's loader can be considered to be a profile server, the applicant teaches and claims that the profile server is configured to send data to the user's device, whereas Venkatraman's loader is configured to receive data at the user's device.

The applicant acknowledges that there must be a server that is configured to send the package file to Venkatraman's loader, however, Venkatraman teaches that the address of this package file is provided by the user. As claimed, the address of the profile server is provided by a remote server, which is asserted in the Office action to be Venkatraman's device homepage. Because Venkatraman specifically teaches that the address of the package file is provided by the user, the server that provides the package file cannot be considered to be a profile server whose address is provided by a remote server, as claimed by the applicant.

Because Venkatraman does not teach or suggest transmitting a request to the profile server, and fails to teach or suggest receiving a profile from the profile server based on the request, as asserted in the Office action, the applicant respectfully maintains that the rejection of claims 5, 7, 9-10, 12-21, and 24-25 under 35 U.S.C. 103(a) over Venkatraman and Tan is unwarranted, per MPEP 2142, and should be withdrawn.

The Office action rejects claims 22-23 under 35 U.S.C. 103(a) over Venkatraman, Tan, and Hanko et al. (USP 6,912,578). The applicant respectfully traverses this rejection.

Claims 22 and 23 are dependent upon claim 9, and in this rejection, the Office action relies upon Venkatraman and Tan for teaching the elements of claim 9. As noted above, Venkatraman and Tan fail to teach each of the elements of claim 9. Accordingly, the rejection of claims 22 and 23 under 35 U.S.C. 103(a) that relies upon Venkatraman and Tan for teaching the elements of claim 9 is unfounded, per MPEP 2142, and should be withdrawn.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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